

Claims 1, 2, 4, 5, 10, 11, 13-15, 17-20, 22 and 23, were rejected under 35 USC 102(e), as anticipated by Katseff, et al. (U.S. Patent No. 6,301,258) (Katseff).

Claims 1, 9, 13, 15, 18 and 22 are directed to methods or apparatus that detect burst periods from network activity and analyzing the requisite burst period or burst periods to determine the likelihood of a subsequent burst period. Jitter buffer size is adjusted based on the determined likelihood of the subsequent burst period. As a result of this method, jitter buffer size is adjusted proactively, based on the likelihood of burst periods.

Katseff is directed to a buffer that employs playback algorithms responsive to receiving packets from presently detected network activity and adjusting the play out rates of these packets, so that packets are played out at rates different from the rates at which they were received in the buffer. This allows buffer adjustments to be made while reducing or eliminating latency, associated with the time when the buffer is filling, as play out typically begins prior to the buffer being completely filled.

Since the Katseff methods and apparatus operate reactively to all network activity, there is not any need for Katseff to distinguish bursts or burst periods. Accordingly, Katseff is silent as to burst detection, and therefore, this reference completely fails to address jitter buffer adjustment from the determination of the likelihood of a burst, based on a previous burst.

Based on the above, this reference operates in a completely different manner than the claimed subject matter. Moreover, it fails to show any structure or methods for burst period detection, and utilization of burst period information for jitter buffer adjustment. Accordingly, claims 1, 9, 13, 15, 18 and 22 are neither anticipated nor rendered obvious by Katseff.

Since claims 1, 9, 13, 15, 18 and 22 are neither anticipated under 35 USC 102(b) by Katseff, or rendered obvious, claims 2, 4, 5, 10, 11, 14, 17, 19-21 and 23, respectively dependent thereon, are also allowable for the same reasons. These claims further distinguish the invention over Katseff.

Claims 12 and 21 were rejected under 35 USC 103(a) as obvious based on Katseff in view of Shimada (U.S. Patent No. 3,914,790).

Claim 12 is dependent on claim 9, that has been discussed above. That discussion is applicable here.

Claim 21 is dependent on claim 18, that has been discussed above. That discussion is applicable here.

Katseff has been discussed above. That discussion is applicable here.

Shimada has been cited to disclose an amplifier in communication with a decompressor. However, Shimada is directed to stereo equipment and has nothing to do with communication networks.

Accordingly, Shimada fails to cure the deficiencies associated with Katseff, and thus, its disclosure of an amplifier and decompressor can not render claims 9 and 18 obvious under 35 USC 103(a).

Since claims 9 and 18 are non-obvious under 35 USC 103(a) in view of Katseff and Shimada, either alone or in combination, claims 12 and 21, respectively dependent thereon, are also non-obvious under 35 USC 103(a) for the same reasons. These claims further distinguish the invention over this cited art.

Should the Examiner have any question or comment as to the form content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

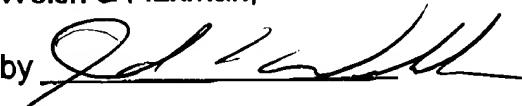
Entry of this paper and allowance of all pending claims, 1-23, is respectfully requested.

Respectfully submitted,

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By their Attorneys,  
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